

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

THE PEOPLE,

Plaintiff and Respondent,

v.

GLENN MELVIN MOORE,

Defendant and Appellant.

C037601

(Super. Ct. No. 62-7900)

Defendant Glenn Melvin Moore was convicted after a court trial of second degree burglary (Pen. Code, § 459; further undesignated statutory references are to the Penal Code) and petty theft with a prior theft related felony (§ 666). The court also found defendant had suffered two prior strikes within the meaning of section 667, subdivisions (b) through (i) and section 1170.12, subdivisions (a) through (d) and had served two prior prison terms within the meaning of section 667.5, subdivision (b). Defendant was sentenced to an aggregate prison term of four years.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Our review of the record reveals an error in the abstract of judgment. The abstract of judgment erroneously states that defendant was convicted by a jury. Defendant was, however, convicted by the trial court after his court trial. Thus, the abstract of judgment requires correction.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed. The trial court is ordered to prepare a corrected abstract of judgment reflecting that defendant was convicted by the court and forward a certified copy to the Department of Corrections.

SIMS, Acting P.J.

We concur:

DAVIS, J.

MORRISON, J.